

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 EA-10 ISO-00 CIAE-00 DODE-00 PM-05

H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
SS-15 USIA-06 SY-05 USSS-00 CAB-02 COME-00
DOTE-00 EB-08 FAA-00 MCT-01 HA-05 /106 W
-----033721 091656Z /40

R 091508Z MAR 78

FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 8787
INFO AMEMBASSY BONN
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO

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E.O.11652:GDS
TAGS:EAIR, PINS, UR
SUBJECT:SOVIET RESPONSE TO JANUARY 30 DEMARCHE ON ANTI-HIJACKING CONTACT GROUP

REF: (A) MOSCOW 1502, (B) MOSCOW 2781

SUMMARY: THE MINISTRY OF FOREIGN AFFAIRS TRANSMITTED TO THE MINISTER OF THE EMBASSY OF JAPAN MARCH 6 ITS RESPONSE TO THE JANUARY 30 DEMARCHE BY THE JAPANESE AMBASSADOR TO INVITE THE SOVIETS TO PARTICIPATE IN THE "CONTACT GROUP" (REFTEL A). WHILE NOT REJECTING PARTICIPATION IN THE "CONTACT GROUP" OUTRIGHT, THE MINISTRY OF FOREIGN AFFAIRS STRESSED THAT IT FOUND THE "CONTACT GROUP" BOTH SUPERFLUOUS AND COUNTERPRODUCTIVE. END SUMMARY.

1. THE SOVIET NOTE UNDERLINED THE ACTIVE PARTICIPATION BY THE SOVIET GOVERNMENT IN THE HAGUE AND MONTREAL CONVENTIONS, AND ITS SUPPORT OF THE GENERAL ASSEMBLY RESOLUTION ON ANTI-HIJACKING. IT EXPRESSED STRONG RESERVATIONS TOWARD THE CONTACT GROUP, SINCE THE DEMARCHE

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LEFT UNCLEAR THE PARTICIPANTS AND THE ISSUES TO BE DISCUSSED, AS WELL AS THE MINISTRY'S BELIEF THAT THE CONTACT GROUP MAY WELL BE "PROCEEDING COUNTER TO CURRENT INTERNATIONAL PRACTICES." FINALLY, IT STRESSED ITS CONVICTION THAT GOVERNMENTS CARRY THE PRIMARY BURDEN FOR ANTI-HIJACKING EFFORTS AND THAT IT CONSIDERS AS THE MOST WORTHWHILE GOAL THE ACCEPTANCE OF THE PRINCIPLE THAT HIJACKERS BE

RETURNED TO THE GOVERNMENT OF THE COUNTRY, IN WHICH THE AIRCRAFT WAS REGISTERED.

2. COMMENT: BASED ON THIS DOCUMENT, EMBASSY BELIEVES THAT SOVIET POLICY TOWARD PARTICIPATION IN THE CONTACT GROUP CONSISTS OF TWO PARTS. FIRST, IT WILL NOT CONSIDER PARTICIPATION UNTIL BOTH THE OTHER PARTICIPANTS AND THE

ISSUES TO BE DISCUSSED HAVE BEEN MADE CLEAR -- THE SAME POSITION THE MINISTRY TOOK DURING THE JANUARY 30 DEMARCHE (REFTEL A PARAS 7, 12, 24). WERE IT TO PARTICIPATE PRIOR TO CLARIFICATION, IT WOULD RISK COMING UNDER CRITICISM FROM ITS MORE RADICAL FRIENDS IN THE THIRD WORLD. SECOND, SHOULD IT DECIDE TO PARTICIPATE, IT WILL PRESS FOR ACCEPTANCE OF THE "EXTRADITION PRINCIPLE." SOVIETS WOULD LIKE TO SEE SUCH A "PRINCIPLE" ADOPTED IN ORDER TO FORCE RETURN OF PERSONS WHO HIJACK CIVIL AIRCRAFT FOR PURPOSE OF ESCAPE FROM USSR SUCH AS THE BRAZINSKAS, AS WELL AS MILITARY DEFECTORS SUCH AS THE MIG-25 PILOT WHO FLEW TO JAPAN.

3. AN INFORMAL TRANSLATION OF THE MINISTRY NOTE FOLLOWS:
BEGIN TEXT:

IN CONNECTION WITH THE DEMARCHE OF THE EMBASSY OF JAPAN CONCERNING THE CREATION OF THE SO-CALLED "CONTACT GROUP" TO REALIZE THE PRINCIPLES OF THE RESOLUTION OF THE GENERAL ASSEMBLY OF THE UN 32/8 "ON THE SECURITY OF INTERNATIONAL CIVIL AVIATION," AND THE ASSEMBLY OF THE ICAO A 22-16

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"STRENGTHENING OF MEASURES IN THE STRUGGLE WITH ACTS OF ILLEGAL INTERFERENCE IN THE ACTIVITIES OF CIVIL AVIATION," I WAS CHARGED WITH COMMUNICATING THE FOLLOWING TO YOU.

THE SOVIET SIDE SHARES THE CONCERN EXPRESSED BY THE 32ND SESSION OF THE GENERAL ASSEMBLY OF THE UN IN CONNECTION WITH THE INCREASE OF OCCURRENCES OF ACTS OF INTERNATIONAL TERRORISM AND SHARES THE ASPIRATION, EXPRESSED IN THE DECISIONS OF THE GENERAL ASSEMBLY, TO PROMOTE THE GUARANTEEING OF THE SECURITY OF INTERNATIONAL CIVIL AVIATION, CONDEMNS ACTS OF SEIZURE OF AIRPLANES AND OTHER TYPES OF INTERFERENCE IN THE FLIGHTS OF CIVIL AIRPLANES BY MEANS OF THE THREAT OF FORCE OR ITS APPLICATION AND OTHER ACTS OF VIOLENCE, THE OBJECT OF WHICH MAY BE PASSENGERS, CREWS AND AIRPLANES, AND SUPPORTS THE CALL OF THE GENERAL ASSEMBLY TO ALL GOVERNMENTS TO UNDERTAKE ALL NECESSARY MEASURES WITH THE VIEW TO THE PREVENTION OF SIMILAR TYPES OF ACTS.

THE SOVIET UNION TOOK ACTIVE PART IN THE WORKING OUT OF SUCH MULTILATERAL AGREEMENTS, DIRECTED AT THE STRENGTHENING OF MEASURES IN THE STRUGGLE AGAINST ACTS OF ILLEGAL INTERFERENCE IN THE ACTIVITIES OF CIVIL AVIATION, AS THE

HAGUE CONVENTION OF 1970 ON THE STRUGGLE AGAINST ILLEGAL
SEIZURE OF AIRCRAFT AND THE MONTREAL CONVENTION OF 1971
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ON THE STRUGGLE AGAINST ILLEGAL ACTS, DIRECTED AGAINST THE
SECURITY OF CIVIL AVIATION. ADHERENCE TO THESE CONVENTIONS
BY THE LARGEST NUMBER OF GOVERNMENTS AND THE EFFECTIVE
IMPLEMENTATION BY THEM OF THEIR INTERNATIONAL OBLIGATIONS
IN THE GIVEN AREA, UNCONDITIONALLY, WOULD ALLOW THE
EFFECTIVE SUPPRESSION OF MANIFESTATIONS OF TERRORISM IN

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DOTE-00 EB-08 FAA-00 MCT-01 HA-05 /106 W

-----033804 091656Z /40

R 091508Z MAR 78

FM AMEMBASSY MOSCOW

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AIRCRAFT TRANSPORT.

THE PROPOSAL ON DISCUSSION OF THE INDICATED QUESTION IN A
CLOSED GROUP OF GOVERNMENTS OUTSIDE OF THE FRAMEWORK OF THE
UN AND THE ICAO CAUSES DOUBT, THE MORE SO SINCE, AS IS
KNOWN, PRACTICAL MEASURES IN THE REALIZATION OF THE
RESOLUTIONS MENTIONED ABOVE, ARE BEING APPLIED BASED ON THE
POLICY OF THE ICAO (AND) IN ACCORDANCE WITH THE TASKS OF
THIS INTERNATIONAL ORGANIZATION AND THE RECOMMENDATIONS OF
THE GENERAL ASSEMBLY OF THE U.N. ATTEMPTS TO UNDERTAKE
SOME SORT OF ACTION IN THIS ISSUE BY A SEPARATE GROUP OF
GOVERNMENTS OUTSIDE ITS CONNECTIONS WITH THE UN AND THE
ICAO COULD BE UNDERSTOOD AS PROCEEDING IN OPPOSITION TO THE
INTERNATIONAL PRACTICE WHICH IS ESTABLISHING ITSELF, AND
WILL CAUSE CERTAIN DIFFICULTIES.

CONSIDERATION OF THE ISSUE OF OUR PARTICIPATION IN THE
MENTIONED "CONTACT GROUP" IS MADE DIFFICULT ALSO BY THE
FACT THAT, FROM THE PROPOSAL WHICH WAS TRANSMITTED BY YOU,

IT IS UNCLEAR, WHICH CONCRETE QUESTIONS ARE HELD IN
VIEW TO DISCUSS AT THE MEETING OF THIS GROUP AND WHAT IS THE
POSSIBLE CIRCLE OF PARTICIPANTS.
NOT TO DIMINISH THE ROLE, WHICH THE UNITED NATIONS AND THE
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ICAO CAN PLAY IN THE RESOLUTION OF THE ISSUES OF THE
SECURITY OF CIVIL AVIATION, IT IS NECESSARY TO INDICATE THAT
NAMELY ON GOVERNMENTS LAYS THE PRIMARY AND UNCONDITIONAL
RESPONSIBILITY FOR THE UNDERTAKING OF EFFECTIVE MEASURES
FOR THE PROTECTION AGAINST ACTS OF TERRORISM ON AIRLINES.
IN THE SOVIET UNION, IN THIS REGARD, IS BEING UNDERTAKEN
APPROPRIATE MEASURES, FORESEEN BY THE LEGISLATION. IN PART,
THE LAWS OF THE USSR AND THE UNION REPUBLICS ESTABLISH
STERN PUNISHMENT FOR TERRORIST ACTS AGAINST REPRESENTATIVES
OF FOREIGN GOVERNMENTS AND FOR STEALING AIRPLANES.
IN THE OPINION OF THE SOVIET SIDE, ONE OF THE MOST EFFECTIVE
MEANS OF GUARANTEEING THE SECURITY OF CIVIL AERO-COMMUNICA-
TIONS IS THE CREATION OF SUCH A PRINCIPLE, THAT PERSONS, WHO
HAVE PERFORMED THE STEALING OF AN AIRPLANE, OR TERRORIST
ACTS AGAINST THEIR PASSENGERS OR CREWS, ARE RETURNED TO
THE GOVERNMENT, IN WHICH THE AIRLINER IS REGISTERED. THE
USSR ON ITS PART, INVARIABLY COOPERATES WITH OTHER
GOVERNMENTS IN THE ACHIEVEMENT OF SUCH A GOAL AND CONCLUDES
BILATERAL AGREEMENTS ON THIS ACCOUNT. TOON

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, AIRCRAFT HIJACKING, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 09 mar 1978
Decapton Date: 01 jan 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MOSCOW04042
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780106-0598
Format: TEL
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780388/aaaacwgm.tel
Line Count: 199
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 97734cca-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 MOSCOW 1502, 78 MOSCOW 2781
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3387958
Secure: OPEN
Status: NATIVE
Subject: SOVIET RESPONSE TO JANUARY 30 DEMARCHE ON ANTI- HIJACKING CONTACT GROUP
TAGS: EAIR, PINS, UR
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/97734cca-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014